

JOURNAL OF THE HOUSE

NINETIETH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, February 20, 2015

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Peggy Stempson, followed by the Pledge of Allegiance led by House pages Ben Stiegelmeier and Caleb Willis.

Roll Call: All members present except Reps. Hickey, Kaiser, Otten, Schaefer, Schoenbeck, and Werner who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-fourth day.

In the House Journal of the twenty-third day the following correction should be made:

On page 423, delete lines 5 to 19, inclusive.

All additional errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Taxation respectfully reports that it has had under consideration HB 1227 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Taxation respectfully reports that it has had under consideration HB 1233 and returns the same with the recommendation that said bill be amended as follows:

1233fa

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 10-12A-4 be amended to read as follows:

10-12A-4. The department may enter into tax collection agreements with any Indian tribe under the provisions of this chapter and chapter 1-24. These agreements may provide for the collection of any of the following state taxes and any tribal taxes imposed by a tribe that are identical to the following state taxes:

- (1) The retail sales and service tax imposed by chapter 10-45;
- (2) The use tax imposed by chapter 10-46;
- (3) The contractors' excise tax imposed by chapter 10-46A;
- (4) The alternate contractors' excise tax imposed by chapter 10-46B;
- (5) The cigarette tax imposed by chapter 10-50;
- (6) The motor vehicle excise tax imposed by chapter 32-5B;
- (7) The fuel excise tax imposed by chapter 10-47B;
- (8) The wholesale tax on tobacco products imposed by chapter 10-50;
- (9) The amusement device tax imposed by chapter 10-58;
- (10) The gross receipts tax on visitor related businesses imposed by chapter 10-45D;
- (11) The excise tax on farm machinery, attachment units, and irrigation equipment imposed by chapter 10-46E;

1 (12) The contractor's excise tax on new or expanded power production facilities imposed
2 by chapter 10-46C;

3 (13) The uniform municipal non-ad valorem tax imposed by chapter 10-52;

4 (14) The taxation of telecommunications companies tax imposed by chapter 10-33A:

5 (15) The taxation of telephone companies tax imposed by chapter 10-33; and

6 (16) The taxation of rural electric companies tax imposed by chapter 10-36.

7 The agreement may provide for the retention by the department of an agreed-upon
8 percentage of the gross revenue as an administrative fee."

9 1233fta

10 On page 1, line 1, of the printed bill, delete "accommodate legislation to".

11 On page 1, line 2, delete "collection agreements" and insert "compacts".

12 And that as so amended said bill do pass.

13 Also MR. SPEAKER:

14 The Committee on Taxation respectfully reports that it has had under consideration
15 HB 1207 and 1234 which were deferred to the 41st Legislative Day.

16 Respectfully submitted,
17 Roger D. Solum, Chair

18 Also MR. SPEAKER:

19 The Committee on State Affairs respectfully reports that it has had under consideration
20 HB 1169, 1170, and 1171 and returns the same with the recommendation that said bills do pass.

21 Respectfully submitted,
22 Brian G. Gosch, Chair

23 Also MR. SPEAKER:

24 The Committee on Appropriations respectfully reports that it has had under consideration
25 SB 47 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 HB 1110 and returns the same with the recommendation that said bill be amended as follows:

4 1110na

5 On page 1, line 4, of the printed bill, delete "two hundred" and insert "one dollar (\$1),".

6 On page 1, line 5, delete everything before "or" .

7 On page 1, line 7, delete everything after "of" and insert "one dollar (\$1)".

8 On page 1, line 8, delete everything before "appropriated" .

9 On page 1, line 9, delete "thirteen thousand six hundred forty-five dollars (\$13,645)" and
10 insert "one dollar (\$1)".

11 On page 1, line 13, delete "two hundred" and insert "one dollar (\$1),".

12 On page 1, line 14, delete everything before "or" .

13 On page 2, line 1, delete everything after "of" and insert "one dollar (\$1)".

14 On page 2, line 2, delete everything before "appropriated" .

15 On page 2, line 3, delete "thirteen thousand six hundred forty-five dollars (\$13,645)" and
16 insert "one dollar (\$1)".

17 And that as so amended said bill do pass.

18 Also MR. SPEAKER:

19 The Committee on Appropriations respectfully reports that it has had under consideration
20 HB 1190 and returns the same with the recommendation that said bill be amended as follows:

21 1190na

22 On page 1, line 7, of the printed bill, delete "two million nine" and insert "one dollar (\$1),
23 and the sum of one dollar (\$1) in federal".

24 On page 1, delete lines 8 and 9.

25 On page 1, line 14, delete everything after "sum of" .

26 On page 1, delete line 15, and insert "one dollar (\$1), and the sum of one dollar (\$1)".

1 On page 2, line 1, delete everything before "in" .

2 On page 2, line 6, delete everything after "sum of" and insert "one dollar (\$1), and the sum
3 of one dollar (\$1)".

4 On page 2, delete line 7.

5 On page 2, line 8, delete everything before "in" .

6 And that as so amended said bill do pass.

7 Respectfully submitted,
8 Justin R. Cronin, Chair

9 Also MR. SPEAKER:

10 The Committee on Education respectfully reports that it has had under consideration
11 HB 1223, which was removed from the table, and returns the same with the recommendation
12 that said bill be amended as follows:

13 1223ca

14 On page 1, line 8, of the printed bill, delete ", similar to,".

15 And that as so amended said bill do NOT pass.

16 Also MR. SPEAKER:

17 The Committee on Education respectfully reports that it has had under consideration
18 HB 1184 and 1198 which were deferred to the 41st Legislative Day.

19 Respectfully submitted,
20 Jacqueline Sly, Chair

21 Also MR. SPEAKER:

22 The Committee on Judiciary respectfully reports that it has had under consideration
23 HB 1143 and returns the same with the recommendation that said bill do pass.

24 Also MR. SPEAKER:

25 The Committee on Judiciary respectfully reports that it has had under consideration
26 HB 1221 and returns the same with the recommendation that said bill be amended as follows:

1 1221yta

2 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "authorize
3 unilateral consent in certain divorce proceedings."

4 And that as so amended said bill do pass.

5 Also MR. SPEAKER:

6 The Committee on Judiciary respectfully reports that it has had under consideration
7 HB 1140 and returns the same with the recommendation that said bill be amended as follows:

8 1140ra

9 On page 1, line 8, of the printed bill, remove the overstrikes from "§".

10 On page 1, line 8, delete "§§ 22-18-1 or".

11 And that as so amended said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on Judiciary respectfully reports that it has had under consideration
14 HB 1141 which was deferred to the 41st Legislative Day.

15 Respectfully submitted,
16 Mike Stevens, Vice Chair

17 **MESSAGES FROM THE SENATE**

18 MR. SPEAKER:

19 I have the honor to return herewith HB 1051, 1057, 1063, 1085, and 1136 which have
20 passed the Senate without change.

21 Also MR. SPEAKER:

22 I have the honor to return herewith HB 1055 which has been amended by the Senate and
23 your concurrence in the amendments is respectfully requested.

1 Also MR. SPEAKER:

2 I have the honor to transmit herewith SB 2, 109, 131, 186, and 191 which have passed the
3 Senate and your favorable consideration is respectfully requested.

4 Respectfully,
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 HOUSE PAGE RESOLUTION 3 Introduced by: Representatives Anderson; Bartling;
8 Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden;
9 Duvall; Feickert; Gibson; Gosch; Greenfield, Lana; Haggar, Don; Harrison; Haugaard; Hawks;
10 Hawley; Heinemann; Hickey; Holmes; Hunhoff, Jean; Hunt; Jensen, Alex; Johns; Kaiser;
11 Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;
12 Novstrup, Al; Otten, Herman; Partridge; Peterson, Kent; Qualm; Rasmussen; Ring; Romkema;
13 Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum;
14 Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wink; Wollmann;
15 Zikmund.

16 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives
17 of the Ninetieth Legislature of the State of South Dakota to Alannah Aesoph, Brett Carley,
18 Maria Corio, Braeden Edleman, Alexandra Farber, Tyana Gottsleben, Lauren Groeger,
19 Taylee Hudson, Payton Jones, Mariah Kessler, Levi Knight, Lathan Lauing, Marissa Leber,
20 Johanna Lippert, Jamie Mundwiler, Daylee Olson, Jackson Peterson, Karlee Peterson,
21 Grant Russell, Kyler Simmons, Ben Stiegelmeier, Caleb Willis.

22 WHEREAS, the above named served loyally as pages for the House of Representatives of
23 the Ninetieth Legislative Session; and

24 WHEREAS, the members of the Ninetieth House of Representatives express their most
25 sincere appreciation to these young people for their service to the state; and

26 WHEREAS, the members extend to these young people their wishes for every success in
27 life:

28 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the
29 Ninetieth Legislature of the State of South Dakota, that a personal copy of this resolution be
30 duly certified and furnished to each page on this last day of service.

31 Rep. Hawks moved that House Page Resolution 3 be adopted.

32 Which motion prevailed and the resolution was adopted.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Rep. Gosch moved that the reports of the Standing Committees on
3 Health and Human Services on HB 1166 as found on page 450 of the House Journal; also
4 Local Government on HB 1153 as found on page 451 of the House Journal be adopted.
5 Which motion prevailed.

6 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

7 SB 2: FOR AN ACT ENTITLED, An Act to provide for the establishment of river basin
8 natural resource districts.

9 Was read the first time and referred to the Committee on Agriculture and Natural
10 Resources.

11 SB 109: FOR AN ACT ENTITLED, An Act to establish a grant program for adult
12 community residential services designed to reduce the risk of recidivism, to provide a report to
13 the Legislature, and to make an appropriation therefor.

14 Was read the first time and referred to the Committee on Appropriations.

15 SB 131: FOR AN ACT ENTITLED, An Act to establish certain provisions regarding stray
16 electrical current and voltage remediation.

17 Was read the first time and referred to the Committee on Agriculture and Natural
18 Resources.

19 SB 186: FOR AN ACT ENTITLED, An Act to revise the procedure for the execution of
20 a warrant.

21 Was read the first time and referred to the Committee on Judiciary.

22 SB 191: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding capital
23 outlay certificates and lease purchase agreements of school districts and the pledge of state aid
24 to education funds to secure such obligations.

25 Was read the first time and referred to the Committee on State Affairs.

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1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that HJR 1001 was delivered
3 to her Excellency, the Secretary of State, for 10:50 a.m. at February 20, 2015.

4 Also MR. SPEAKER:

5 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
6 and Enrolling has carefully compared HB 1051, 1057, 1063, 1085, and 1136 and finds the same
7 correctly enrolled.

8 Respectfully submitted,
9 Dean Wink, Chair

10 **SIGNING OF BILLS**

11 The Speaker publicly read the title to

12 HB 1051: FOR AN ACT ENTITLED, An Act to revise various trust and trust company
13 provisions.

14 HB 1057: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse
15 certain eligible health care professionals who have complied with the requirements of the rural
16 health care facility recruitment assistance program and to declare an emergency.

17 HB 1063: FOR AN ACT ENTITLED, An Act to revise the notice provisions for the name
18 change of a minor child.

19 HB 1085: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
20 requirement for performance securities.

21 HB 1136: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
22 administration of unlocatable mineral, leasehold, or royalty interests.

23 SB 107: FOR AN ACT ENTITLED, An Act to increase the period an instructor permit is
24 valid and to revise the requirements to upgrade to an operator's licence or a restricted minor's
25 permit.

26 And signed the same in the presence of the House.

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COMMEMORATIONS

2 HC 1022 Introduced by: Representatives Stalzer, Anderson, Bartling, Beal, Bolin,
3 Bordeaux, Campbell, DiSanto, Duvall, Feickert, Gibson, Haggard (Don), Hawks, Hawley,
4 Heinemann (Leslie), Hickey, Holmes, Hunhoff (Jean), Hunt, Jensen (Alex), Johns, Kaiser,
5 Killer, Kirschman, Langer, Latterell, Marty, May, McCleerey, Novstrup (Al), Partridge,
6 Peterson (Kent), Qualm, Ring, Romkema, Rounds, Rozum, Russell, Schoenbeck, Schrempp,
7 Sly, Soli, Stevens, Tulson, Verchio, Werner, Westra, Wiik, Willadsen, and Wollmann and
8 Senators Monroe, Buhl O'Donnell, Frerichs, Haverly, Heineman (Phyllis), Hunhoff (Bernie),
9 Lederman, Olson, Omdahl, Otten (Ernie), Parsley, Rampelberg, Solano, and Vehle

10 A LEGISLATIVE COMMEMORATION, Honoring the Pierre Junior Shooters BB Gun Team
11 for winning the 2014 Daisy National BB Gun Championship.

12 WHEREAS, the Pierre Junior Shooters BB Gun Team participated in the 49th Annual Daisy
13 National BB Gun Championship in Rogers, Arkansas, on July 5-6, 2014, competing against fifty
14 other teams and capturing the championship with a total score of 2375 out of a possible 2500
15 points; and

16 WHEREAS, the team also had the highest score on the written test with a score of 496 out
17 of 500, and the team has captured three national championships in the last four years, and six
18 national championships in the last eleven years; and

19 WHEREAS, team members: Jacob Beaström, Ryan Habeck, Cassandra Ryckman, Nathan
20 Schnabel, and Canaan Smith; team alternates: Justin Merriman and Zane Schuchard; and
21 coaches: John Forman and Gene Garber exhibited consistency, determination, and
22 sportsmanship throughout the season:

23 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
24 of South Dakota, that the Pierre Junior Shooters BB Gun Team be honored and recognized for
25 their excellent marksmanship and score in winning the 49th Annual Daisy National BB Gun
26 Championship.

27 HC 1023 Introduced by: Representatives Peterson (Kent), Bolin, Feickert, McCleerey,
28 Rasmussen, Rozum, and Schoenfish and Senators Van Gerpen, Buhl O'Donnell, Frerichs,
29 Haverly, Heineman (Phyllis), Heinert, Hunhoff (Bernie), Olson, Parsley, Rampelberg, and
30 Sutton

31 A LEGISLATIVE COMMEMORATION, Commending and honoring the Parkston Trojan
32 football team on a successful 2014 season.

33 WHEREAS, the Parkston Trojans won the Class 11B Football Championship, ending the
34 season with a perfect 12-0 record; and

35 WHEREAS, the Parkston Trojans scored 483 points during the season while giving up only
36 63 points; and

WHEREAS, the Parkston Trojans set numerous school records and set the state finals records for the most rushing first downs, the longest field goal, and the most first downs; and

WHEREAS, Wes Dvorak won the Joe Robbie Award and the Outstanding Back Award, and Austin Bertram won the Outstanding Lineman Award:

NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State of South Dakota, that the South Dakota Legislature congratulates and honors the Parkston Trojan Football Team, along with their cheerleaders, support personnel, and coaches, on an outstanding season, and wishes them every success in future endeavors both on and off the athletic field of competition.

HC 1024 Introduced by: Representatives Peterson (Kent), Bolin, Feickert, Klumb, McCleerey, Rasmussen, Rozum, and Schoenfish and Senators Van Gerpen, Buhl O'Donnell, Frerichs, Haverly, Heineman (Phyllis), Heinert, Hunhoff (Bernie), Olson, Parsley, Rampelberg, and Sutton

A LEGISLATIVE COMMEMORATION, Honoring the Parkston High School wrestling team and coach Jared Digmann on their accomplishments.

WHEREAS, the 2014 Parkston High School wrestling team finished the year as Class B State Champions; and

WHEREAS, the Parkston Trojans scored the second most points in state tournament history; and

WHEREAS, the 2013 Parkston High School wrestling team finished the year as Class B State Champions; and

WHEREAS, the Parkston Trojans scored the most points in state tournament history; and

WHEREAS, coach Jared Digmann was named 2013 Wrestling Coach of the Year:

NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State of South Dakota, that the Legislature honors the Parkston High School wrestling team for their 2013 and 2014 winning seasons, and honors coach Jared Digmann for his outstanding achievement.

HC 1025 Introduced by: Representatives Schoenfish, Bolin, Feickert, Klumb, McCleerey, Peterson (Kent), Rasmussen, and Rozum and Senators Van Gerpen, Buhl O'Donnell, Frerichs, Haverly, Heineman (Phyllis), Heinert, Hunhoff (Bernie), Olson, Parsley, Rampelberg, and Sutton

A LEGISLATIVE COMMEMORATION, Honoring the Parkston High School Girls Golf program and coaches Tyler Hockett and Eric Norden on their accomplishments.

1 WHEREAS, the 2014 Parkston Trojans Girls Golf team finished State A Champions and
2 had the Individual Medalist and the Individual Runner-Up; and

3 WHEREAS, the Parkston Trojans Girls Golf team also won the 2013 State A Championship
4 and won every single golf meet during the year, including setting every previous school record
5 and winning three AA meets, and had three girls on the All-Tournament team and all five girls
6 in the top 20; and

7 WHEREAS, the Parkston Trojans Girls Golf team won the 2012 State A Championship and
8 had the Individual Champion and also won the 2009 State A Championship; and

9 WHEREAS, the Parkston Trojans Girls Golf team has won four championships and two
10 runner-ups in the last six years; and

11 WHEREAS, coach Tyler Hockett was named S.D. Girls' Golf Coach of the year in 2013 and
12 coach Eric Norden was named S.D. Girls' Golf Coach of the year in 2009:

13 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
14 of South Dakota, that the Legislature honors the Parkston High School Girls Golf program for
15 their 2014, 2013, 2012, and 2009 state championships and their 2011 and 2010 state runner-up
16 finishes and honors coaches Tyler Hockett and Eric Norden for their outstanding achievements
17 in recent years.

18 HC 1026 Introduced by: Representatives Schoenfish, Bolin, Feickert, Klumb, McCleerey,
19 Peterson (Kent), Rasmussen, and Rozum and Senators Van Gerpen, Buhl O'Donnell, Frerichs,
20 Haverly, Heineman (Phyllis), Heinert, Hunhoff (Bernie), Olson, Parsley, Rampelberg, and
21 Sutton

22 A LEGISLATIVE COMMEMORATION, Honoring Parkston High School Athletic Director
23 and Girls Basketball Coach Rob Vanlaecken on his career accomplishments and retirement.

24 WHEREAS, Rob Vanlaecken served the Parkston School District as a teacher,
25 administrator, and coach, for thirty-seven years; and

26 WHEREAS, Rob Vanlaecken guided the Lady Trojans to twenty-five district championships
27 and ten state tournaments during his coaching tenure; and

28 WHEREAS, Rob Vanlaecken coached seventeen girls who became South Dakota All-State
29 basketball players; and

30 WHEREAS, Rob Vanlaecken coached the Lady Trojans to a runner-up finish at the 2013
31 Girls State Tournament; and

32 WHEREAS, Rob Vanlaecken retired with 593 career coaching victories, the most in the
33 history of South Dakota Girls Basketball:

1 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
2 of South Dakota, that the Legislature honors Rob Vanlaecken for his dedicated service, his many
3 achievements during his coaching career, and for his career of caring about the children of
4 Parkston.

5 HC 1027 Introduced by: Representatives Hunhoff (Jean) and Stevens and Senator Hunhoff
6 (Bernie)

7 A LEGISLATIVE COMMEMORATION, Congratulating and commending the Yankton High
8 School Bucks football team for winning the 2014 State 11AA Football Championship.

9 WHEREAS, the Yankton Bucks football team won the 2014 11AA Football Championship
10 under the dedicated leadership of head coach, Arlin Likness; assistant coaches Dan Mitchell,
11 Brady Muth, Justin Olson, Randy Gross, and Brook Schild; and volunteer coach, Marc Murtha;
12 and

13 WHEREAS, the Yankton Bucks football team exhibited extraordinary unity, commitment,
14 sportsmanship, and team spirit throughout the entire season by all the players including senior
15 captains: Mason Strahl, Brady Hale, Evan Greeneway, Nick LaFave, and Levi Kabella; and
16 senior players: Parker Kuchta, Ryan Sternhagen, Colton Diefenderfer, Tim Cross, Wyatt Adam,
17 Dalton Miller, Dylan Moderegger, Brent Gilbery, Sam Bisgard, Tyler Novak, Tyler Kaiser, Nick
18 Raab, Charlie Stephenson, Lee Rose, Matt Fitzgerald, and Jordan Lightner; and

19 WHEREAS, all students, coaches, faculty, and the entire community of Yankton have all
20 shown outstanding support and sportsmanship during the team's quest to earn this title:

21 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
22 of South Dakota, that the Yankton High School Bucks football team be congratulated and
23 honored for this outstanding achievement in 2014.

24 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at
25 1:22 p.m. the House adjourned.

26 Arlene Kvislen, Chief Clerk